

U.S. District Court
District of South Carolina (Charleston)
CIVIL DOCKET FOR CASE #: 2:18-cv-01517-DCN

O'Neill v. United States Department of Justice, The
Assigned to: Honorable David C Norton
Cause: 05:552 Freedom of Information Act

Date Filed: 06/04/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

John David O'Neill

represented by **Kevin R Dean**
Motley Rice
28 Bridgeside Boulevard
Mt Pleasant, SC 29464
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**United States Department of Justice,
The
Criminal Division**

represented by **Barbara Murcier Bowens**
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1441 Main Street
Suite 500
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Date Filed	#	Docket Text
06/04/2018	<u>1</u>	COMPLAINT against United States Department of Justice, The (Filing fee \$ 400 receipt number 0420-7814494.), filed by John David O'Neill. Service due by 9/4/2018 (Attachments: # <u>1</u> Exhibits to Complaint)(jbry,) (Entered: 06/05/2018)
06/04/2018	<u>2</u>	Local Rule 26.01 Answers to Interrogatories by John David O'Neill.(jbry,) (Entered: 06/05/2018)
06/04/2018	<u>3</u>	Summons Issued as to United States Department of Justice, The. U.S. Attorney and U.S. Attorney General. (jbry,) (Entered: 06/05/2018)
06/04/2018	<u>5</u>	MOTION to Compel Preparation of a Vaughn Index by John David O'Neill. Response to Motion due by 6/18/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(jbry,) (Entered: 06/05/2018)
08/10/2018	<u>7</u>	CERTIFICATE OF SERVICE by John David O'Neill re <u>1</u> Complaint, <u>3</u> Summons Issued as to USA, <u>5</u> MOTION to Compel, <u>2</u> Local Rule 26.01 Answers to Interrogatories <i>Affidavit of Process Server</i> (Dean, Kevin) (Entered: 08/10/2018)
08/10/2018	8	DELETION OF DOCKET ENTRY NUMBER 6 Reason: Attorney refiled with correct signature. Corrected Filing Document Number <u>7</u> (jbry,) (Entered: 08/10/2018)
08/10/2018	<u>9</u>	Summons Issued as to U.S. Attorney and U.S. Attorney General. (jbry,) (Entered: 08/10/2018)

08/20/2018	<u>10</u>	SUMMONS Returned Executed by John David O'Neill. United States Department of Justice, The served on 8/13/2018, answer due 10/12/2018. (Attachments: # <u>1</u> Affidavit Process Server)(Dean, Kevin) (Main Document 10 replaced on 8/21/2018) (jbry,). Modified on 8/21/2018 to replace with corrected document provided by filing user (jbry,). (Entered: 08/20/2018)
08/20/2018	<u>11</u>	SUMMONS Returned Executed by John David O'Neill. (Attachments: # <u>1</u> Affidavit Process Server)(Dean, Kevin) (Main Document 11 replaced on 8/21/2018) (jbry,). Modified on 8/21/2018 to replace with corrected document provided by filing user (jbry,). (Entered: 08/20/2018)
08/20/2018	<u>12</u>	CERTIFICATE OF SERVICE by John David O'Neill re <u>1</u> Complaint, <u>3</u> Summons Issued as to USA, <u>5</u> MOTION to Compel, <u>2</u> Local Rule 26.01 Answers to Interrogatories (Attachments: # <u>1</u> Certificate of Service Affidavit of Service of Process)(Dean, Kevin) (Entered: 08/20/2018)
08/20/2018	<u>14</u>	CERTIFICATE OF SERVICE by John David O'Neill re <u>1</u> Complaint, <u>3</u> Summons Issued as to USA, <u>5</u> MOTION to Compel, <u>2</u> Local Rule 26.01 Answers to Interrogatories <i>Re: Notice of Filing of Affidavits of Service</i> (Dean, Kevin) (Entered: 08/20/2018)
08/21/2018	<u>15</u>	DELETION OF DOCKET ENTRY NUMBER 13 Reason: Filed in error by the attorney who requested deletion. (jbry,) (Entered: 08/21/2018)
09/12/2018	<u>16</u>	ANSWER to Complaint by United States Department of Justice, The.(Bowens, Barbara) (Entered: 09/12/2018)
09/12/2018	<u>17</u>	RESPONSE in Opposition re <u>5</u> MOTION to Compel Response filed by United States Department of Justice, The.Reply to Response to Motion due by 9/19/2018 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Bowens, Barbara) (Entered: 09/12/2018)
09/13/2018	<u>18</u>	<i>Amended</i> ANSWER to <u>1</u> Complaint by United States Department of Justice, The.(Bowens, Barbara) (Entered: 09/13/2018)
09/19/2018	<u>19</u>	NOTICE of Hearing on Motion <u>5</u> MOTION to Compel : Motion Hearing set for Friday, 10/19/2018 at 11:00 AM in Hon. Sol Blatt, Jr., Courtroom, J. Waties Waring Judicial Cntr, 83 Meeting St, Charleston before Honorable David C Norton. (jbry,) (Entered: 09/19/2018)
09/19/2018	<u>20</u>	REPLY to Response to Motion re <u>5</u> MOTION to Compel Response filed by John David O'Neill. (Attachments: # <u>1</u> Exhibit Takata Plea Agreement)(Dean, Kevin) (Entered: 09/19/2018)
10/02/2018	<u>21</u>	CONFERENCE AND SCHEDULING ORDER Rule 26(f) Conference Deadline <u>10/24/2018</u> , 26(a) Initial Disclosures due by <u>11/7/2018</u> , Rule 26 Report due by <u>11/7/2018</u> , Motions to Amend Pleadings due by <u>12/4/2018</u> , Plaintiffs ID of Expert Witness due by <u>1/4/2019</u> , Defendants ID of Expert Witnesses Due by <u>2/4/2019</u> , Discovery due by <u>6/3/2019</u> , Motions in Limine due at least three weeks prior to jury selection, Motions due by <u>6/17/2019</u> , Bench Trial Deadline <u>8/1/2019</u> , ADR Statement due by <u>7/1/2019</u> , Mediation Due by <u>7/31/2019</u> , Signed by Honorable David C Norton on <u>10/2/2018</u> . (jbry,) (Entered: 10/02/2018)
10/19/2018	<u>22</u>	Minute Entry. Proceedings held before Honorable David C Norton: taking under advisement <u>5</u> Motion to Compel; Motion Hearing held on <u>10/19/2018</u> re <u>5</u> MOTION to Compel filed by John David O'Neill. Court Reporter Tana Hess. (cmur,) (Entered: 10/19/2018)
11/07/2018	<u>23</u>	Joint Rule 26(f) Report by United States Department of Justice, The.(Bowens, Barbara) (Entered: 11/07/2018)
11/09/2018	<u>24</u>	CONFERENCE AND SCHEDULING ORDER Motions by the United States due by <u>1/30/2019</u> , Plaintiff's responsive dispositive motion is due on or before March 15, 2019. Additional details regarding evidence, discovery and trial within order. Signed by Honorable David C Norton on <u>11/9/2018</u> . (jbry,) (Entered: 11/09/2018)
01/30/2019	<u>26</u>	MOTION for Extension of Time by United States Department of Justice, The. Response to Motion due by <u>2/13/2019</u> . Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u>

		Exhibit 1, Declaration of Amanda Marchand Jones)No proposed order.(Bowens, Barbara) (Entered: 01/30/2019)
02/06/2019	<u>27</u>	RESPONSE in Opposition re <u>26</u> MOTION for Extension of Time Response filed by John David O'Neill. Reply to Response to Motion due by 2/13/2019 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # <u>1</u> Exhibit 2019 DOJ Contingency Plan)(Dean, Kevin) (Entered: 02/06/2019)
02/13/2019	<u>28</u>	REPLY to Response to Motion re <u>26</u> MOTION for Extension of Time Response filed by United States Department of Justice, The. (Bowens, Barbara) (Entered: 02/13/2019)
02/20/2019	<u>29</u>	ORDER granting <u>26</u> Motion for Extension of Time. Defendant shall have until March 1, 2019 to file dispositive motions and the Vaughn Index. Signed by Honorable David C Norton on 2/20/2019.(jbry,) (Entered: 02/20/2019)
03/01/2019	<u>30</u>	MOTION for Summary Judgment by United States Department of Justice, The. Response to Motion due by 3/15/2019. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit 1, Declaration of Peter C. Sprung, # <u>2</u> Exhibit 1, to Sprung Declaration, # <u>3</u> Exhibit 2, to Sprung Declaration, # <u>4</u> Exhibit 3, to Sprung Declaration, # <u>5</u> Exhibit 4, to Sprung Declaration, # <u>6</u> Exhibit 5, to Sprung Declaration, # <u>7</u> Exhibit 6, to Sprung Declaration)No proposed order.(Bowens, Barbara) (Entered: 03/01/2019)
03/04/2019	<u>31</u>	MOTION to Compel , MOTION for Sanctions (Response to Motion due by 3/18/2019. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45.) by John David O'Neill. (Attachments: # <u>1</u> Exhibit Memorandum ISO, # <u>2</u> Exhibit Docket Report)No proposed order.(Dean, Kevin) (Entered: 03/04/2019)
03/08/2019	<u>32</u>	NOTICE of Hearing on Motion <u>30</u> MOTION for Summary Judgment : Motion Hearing set for Monday, 3/25/2019 at 11:00 AM in Hon. Sol Blatt, Jr., Courtroom, J. Waties Waring Judicial Cntr, 83 Meeting St, Charleston before Honorable David C Norton. (jbry,) (Entered: 03/08/2019)
03/12/2019	<u>33</u>	MOTION for Protective Order by United States Department of Justice, The. Response to Motion due by 3/26/2019. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit 1, Request for Admission, # <u>2</u> Exhibit 2, Request for Production, # <u>3</u> Exhibit 3, Interrogatories, # <u>4</u> Exhibit 4, Notice 30(b)(6) Deposition)No proposed order.(Bowens, Barbara) (Entered: 03/12/2019)
03/14/2019	<u>34</u>	Amended MOTION for Protective Order by United States Department of Justice, The. Response to Motion due by 3/28/2019. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit 1, Request for Admission, # <u>2</u> Exhibit 2, Request for Production, # <u>3</u> Exhibit 3, Interrogatories, # <u>4</u> Exhibit 4, Notice 30(b)(6) Deposition)No proposed order.(Bowens, Barbara) (Entered: 03/14/2019)
03/15/2019	<u>36</u>	RESPONSE in Opposition re <u>30</u> MOTION for Summary Judgment Response filed by John David O'Neill. Reply to Response to Motion due by 3/22/2019 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # <u>1</u> Affidavit Exhibit 1 – Affidavit of Kevin R. Dean, # <u>2</u> Exhibit Exhibit 2 – DOJ Is Losing The Battle To Prosecute Foreign Executives – Law360)(Dean, Kevin) (Entered: 03/15/2019)
03/18/2019	<u>37</u>	RESPONSE in Opposition re <u>31</u> MOTION to Compel MOTION for Sanctions Response filed by United States Department of Justice, The. Reply to Response to Motion due by 3/25/2019 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Bowens, Barbara) (Entered: 03/18/2019)
03/22/2019	<u>38</u>	REPLY to Response to Motion re <u>31</u> MOTION to Compel MOTION for Sanctions Response filed by John David O'Neill. (Dean, Kevin) (Entered: 03/22/2019)
03/22/2019	<u>39</u>	REPLY to Response to Motion re <u>30</u> MOTION for Summary Judgment Response filed by United States Department of Justice, The. (Bowens, Barbara) (Entered: 03/22/2019)

03/25/2019	<u>40</u>	Minute Entry. Proceedings held before Honorable David C Norton: Motion Hearing held on 3/25/2019 re <u>30</u> MOTION for Summary Judgment filed by United States Department of Justice, The. The Court will issue an order. Court Reporter Debbie Potocki. (cmur,) (Entered: 03/25/2019)
03/25/2019	<u>41</u>	ORDER denying without prejudice <u>30</u> Motion for Summary Judgment; denying <u>31</u> Motion to Compel; denying <u>31</u> Motion for Sanctions Signed by Honorable David C Norton on March 25, 2019.(kwhe,) (Entered: 03/25/2019)
04/16/2019	<u>42</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of motion hearing held on 3-25-19, before Judge David C. Norton. Court Reporter/Transcriber Debra Potocki, Telephone number/E-mail potockidebra@bellsouth.net. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction.. Redaction Request due 5/7/2019. Redacted Transcript Deadline set for 5/17/2019. Release of Transcript Restriction set for 7/15/2019. (dpotocki,) (Entered: 04/16/2019)
05/21/2019	<u>43</u>	ORDER granting <u>34</u> Motion for Protective Order Signed by Honorable David C Norton on 5/21/2019.(jbry,) (Entered: 05/21/2019)
11/08/2019	<u>44</u>	STATUS REPORT by United States Department of Justice, The. (Bowens, Barbara) (Entered: 11/08/2019)
01/07/2020	<u>45</u>	Joint MOTION for Extension of Time by United States Department of Justice, The. Response to Motion due by 1/21/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Bowens, Barbara) (Entered: 01/07/2020)
01/08/2020	<u>46</u>	ORDER granting <u>45</u> Motion for Extension of Time. The parties shall have thirty (30) days from the date of this order to file a status report. Signed by Honorable David C Norton on 1/8/2020.(jbry,) (Entered: 01/08/2020)
02/06/2020	<u>47</u>	STATUS REPORT <i>Joint Status Report and Request for Status Conference</i> by United States Department of Justice, The. (Bowens, Barbara) (Entered: 02/06/2020)
02/14/2020	<u>48</u>	NOTICE of Hearing: Status Conference set for Thursday, 3/12/2020 at 10:30 AM in Hon. Sol Blatt, Jr., Courtroom, J. Waties Waring Judicial Cntr, 83 Meeting St, Charleston before Honorable David C Norton. (jbry,) (Entered: 02/14/2020)
03/12/2020	<u>49</u>	Minute Entry. Proceedings held before Honorable David C Norton: Status Conference held on 3/12/2020. Another status conference will be scheduled 4/14/2020 if necessary. Court Reporter Karen Martin. (cmur,) (Entered: 03/13/2020)
04/02/2020	<u>50</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings. Status Conference held on 3/12/2020, before Judge David C. Norton. Court Reporter/Transcriber Karen E. Martin, Telephone number/E-mail Karen_E_Martin@scd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. Redaction Request due 4/23/2020. Redacted Transcript Deadline set for 5/4/2020. Release of Transcript Restriction set for 7/1/2020. (kmartin,) (Entered: 04/02/2020)
06/29/2020	<u>51</u>	MOTION for Summary Judgment by United States Department of Justice, The. Response to Motion due by 7/13/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit 1, Jones Declaration, # <u>2</u> Addendum Ex. 1, Attachments, # <u>3</u> Addendum Vaughn Index, # <u>4</u> Exhibit 2, Justin Wilkinson Declaration)No proposed order.(Bowens, Barbara) (Entered: 06/29/2020)
07/02/2020	<u>52</u>	MOTION to Strike <u>51</u> MOTION for Summary Judgment and Attachments by John David O'Neill. Response to Motion due by 7/16/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Dean, Kevin) (Entered: 07/02/2020)

07/02/2020	<u>53</u>	MOTION for Summary Judgment <i>or Discovery Sanctions or In Camera Review</i> by John David O'Neill. Response to Motion due by 7/16/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Memo in Support Memorandum In Support of Motion, # <u>2</u> Exhibit Exhibit 1 – Final Vaughn Index, # <u>3</u> Exhibit Exhibit 2 – Records Produced, # <u>4</u> Exhibit Exhibit 3 – Transcript Excerpts, # <u>5</u> Exhibit Exhibit 4 – Requests to Admit)No proposed order.(Dean, Kevin) (Entered: 07/02/2020)
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